

Chief Judge Ricardo S. Martinez

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

RAFAEL ALEJANDRO CANEZ (9),  
ARMANDO LOPEZ CORRAL (12),  
JORGE VALDEZ (14),  
RAMON VALVERDE SERNAS (15), and  
PEDRO PARRA (16),

Defendants.

NO. CR20-120RSM

**PROTECTIVE ORDER**

This matter, having come to the Court's attention on the parties' joint motion for entry of a discovery protective order, and the Court, having considered the motion, and being fully advised in this matter, hereby enters the following PROTECTIVE ORDER:

1. **Protected Material.** For purposes of this Order, "Protected Materials" shall include (1) Grand Jury testimony; (2) financial information (and summaries of said financial information) and other personal identifying information ("PII")<sup>1</sup> obtained during

<sup>1</sup> "PII" includes, but is not necessarily limited to, the information identified in Fed. R. Crim. P. 49.1(a) and includes full names, dates of birth, Social Security numbers (or other identification information), financial account information (including account numbers), tax information, driver's license numbers, addresses, telephone numbers, locations of residences or employment, medical records, school records, juvenile criminal records, and other confidential information. Given the sheer volume of financial records at issue in this matter redacting all PII is simply impractical, and that in some instances un-redacted PII may be necessary to the defense.

1 the investigation, either via Grand Jury subpoena and/or during the execution of search  
2 warrants; (3) cellular telephone downloads; (4) recorded statements of defendants and/or  
3 witnesses; (5) other personal information about defendants and third parties, including  
4 but not limited to photographs (including sexually suggestive photographs or other  
5 photographs of family members, defendants and/or witnesses) and other sensitive  
6 information obtained from the search of social media, cellular telephones and other  
7 digital devices seized during the investigation; and (5) criminal history reports for  
8 defendants and/or witnesses (collectively, the “Protected Material”).

9 Items specifically identified as (1) – (5) in the paragraph above will be considered  
10 Protected Material without further designation by the Government. Other information  
11 believed by the Government to be Protected Material will be so designated by the  
12 Government.

13 2. **Grand Jury Materials.** Subpoenaed financial and other documents and  
14 transcripts of the Grand Jury testimony of witnesses may be provided to trial counsel  
15 when appropriate. Notwithstanding the present Protection Order, these materials shall  
16 remained sealed for all other purposes.

17 3. **Production of Protected Material to the Defense.** The United States will  
18 make available copies of the Protected Materials, including those filed under seal, to  
19 defense counsel to comply with the government’s discovery obligations. Discovery  
20 material will be provided to the court-appointed discovery coordinator for dissemination  
21 to the defense, or in some instances directly to defense counsel. Possession of copies of  
22 the Protected Materials is limited to the discovery coordinator, attorneys of record, and  
23 investigators, paralegals, law clerks, experts and assistants for the attorneys of record  
24 (hereinafter collectively referred to as “members of the defense teams”). Further, the  
25 attorneys of record are required, prior to disseminating any copies of the Protected or  
26 Sensitive Materials to members of the defense teams, to provide a copy of this Protective  
27 Order to members of the defense teams, and obtain written consent by members of the  
28 defense teams of their acknowledgment to be bound by the terms and conditions of this

1 Protective Order. The written consent need not be disclosed or produced to the United  
2 States unless requested by the Assistant United States Attorney and ordered by the Court.

3       4.     **Review of Protected Material by Defendants.** The discovery coordinator,  
4 attorneys of record and members of each Defendant's defense team may share and review  
5 the Protected Material with their respective client/defendant. Defendants who are residing  
6 at the Federal Detention Center (FDC) will be permitted to review the Protected Material,  
7 consistent with the regulations established by the BOP, with their respective counsel in a  
8 controlled environment at the Federal Detention Center (FDC), but will be prohibited  
9 from printing out, copying, or disseminating the discovery; provided, however, that  
10 source financial documents, cell phone downloads, audio recordings of statements by  
11 defendants and/or witnesses and criminal history reports will not be provided to detained  
12 defendants. Counsel for retained defendants are permitted to review said materials with  
13 their clients in person or via VTC conference, but may not give copies to their clients.  
14 Defendants who are on pretrial release will be permitted to review the Protected Material  
15 at the offices of their counsel, but will be prohibited from printing out, copying, or  
16 disseminating the discovery.

17       5.     **Limits on Dissemination of Protected Materials.** The discovery  
18 coordinator, attorneys of record and members of the defense team acknowledge that  
19 providing copies of the Protected Material to the Defendants and other persons is  
20 prohibited, and agree not to duplicate or provide copies of the Protected Material to the  
21 Defendants and other persons. This order does not limit employees of the United States  
22 Attorney's Office for the Western District of Washington from disclosing the Protected  
23 Material to members of the United States Attorney's Office, federal law enforcement  
24 agencies, and to the Court and defense as necessary to comply with the government's  
25 discovery obligations.

26       6.     **Future Production of Additional Protected Materials.** Additional types  
27 of discovery items may be deemed by the parties to constitute Protected Material upon  
28 agreement, or (if no agreement can be reached) by further order of the Court.

1       7.     **No Waiver.** Nothing in this order should be construed as imposing any  
2 substantive discovery obligations on the government that are different from those  
3 imposed by case law and Rule 16 of the Federal Rules of Criminal Procedure. The failure  
4 to designate any materials as provided in paragraph 2 shall not constitute a waiver of a  
5 party's assertion that the materials are covered by this Protective Order.

6       8.     **Use of Protected Material in Court.** Any Protected or Sensitive Material  
7 that is filed with the Court in connection with pre-trial motions, trial, or other matter  
8 before this Court, shall be filed under seal and shall remain sealed until otherwise ordered  
9 by this Court. This does not entitle either party to seal their filings as a matter of course.  
10 The parties are required to comply in all respects to the relevant local and federal rules of  
11 criminal procedure pertaining to the sealing of court documents.

12       9.     **Non-Termination.** The provisions of this Order shall not terminate at the  
13 conclusion of this prosecution. Furthermore, at the close of this case, defense counsel  
14 shall return the Protected Material, including all copies of the Protected Material, to the  
15 office of the United States Attorney, or otherwise certify that the material has been  
16 destroyed.

17       10.    **Violation of Order.** Any person who willfully violates this order may be  
18 held in contempt of court and may be subject to monetary or other sanctions as deemed  
19 appropriate by this Court.

20       11.    **Modification of Order.** Nothing in this Stipulation shall prevent any party  
21 from seeking modification of this Protective Order or from objecting to discovery that it  
22 believes to be otherwise improper. The parties agree that in the event that compliance  
23 with this Order makes it difficult for defense counsel to adhere to their Sixth Amendment  
24 obligations, or otherwise imposes an unworkable burden on counsel, defense counsel  
25 shall bring any concerns about the terms of the Order to the attention of the government.  
26 The parties shall then meet and confer with the intention of finding a mutually acceptable  
27 solution. In the event that the parties cannot reach such a solution, defense counsel shall  
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1 have the right to bring any concerns about the scope or terms of the Order to the attention  
2 of the Court by way of a motion.

3       12.   **No Ruling on Discoverability or Admissibility.** This Protective Order  
4 does not constitute a ruling on the question of whether any particular material is properly  
5 discoverable or admissible and does not constitute any ruling on any potential objection  
6 to the discoverability of any material.

7       13.   **Addition of Defendants after Entry of Order.** This Protective Order will  
8 cover additional Defendants in this case so long as they agree to be bound by the terms of  
9 this Protective Order and so indicate that consent by the execution of a supplemental  
10 stipulation, which shall be filed as an addendum or supplement to this Protective Order.

11       The Clerk of the Court is directed to provide a filed copy of this Protective Order  
12 to all counsel of record.

13       DATED this 16<sup>th</sup> day of March, 2022.

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16       RICARDO S. MARTINEZ  
17       CHIEF UNITED STATES DISTRICT JUDGE

18  
19 Presented by:

20       s/ Vincent T. Lombardi

21       VINCENT T. LOMBARDI

22       Assistant United States Attorney  
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